

ORDINANCE #03-01-15

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING THE CODE OF ORDINANCE TO ESTABLISH A PUBLIC TREE CARE ORDINANCE FOR TREES LOCATED UPON CITY OWNED PUBLIC PROPERTY, INCLUDING STREETS AND RIGHT-OF-WAYS; ESTABLISHING THAT THE MEMBERS OF THE SANGER PARKS BOARD SHALL SERVE AS THE "PUBLIC TREE ADVISORY BOARD"; IDENTIFYING CITY PERSONNEL WHO WILL HAVE ADMINISTRATIVE AND OPERATIONAL RESPONSIBILITY FOR THE MAINTENANCE AND REMOVAL OF TREES ON CITY PROPERTY; PROVIDING FOR THE REMOVAL OF DISEASED OR HAZARDOUS TREES ON PRIVATE PROPERTY UNDER CERTAIN LIMITED CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CIVIL PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sanger, Texas, has determined that the protection of trees that are located on property owned and controlled by the City is aesthetically desirable and essential to the present and future health, safety, and welfare of all citizens of Sanger, and accordingly, have determined that the adoption and implementation of this "Public Tree Care Ordinance" is meritorious and necessary; and

WHEREAS, the City Council has further determined that it shall designate the City Manager as the individual who shall have oversight authority and responsibility for the implementation of the Ordinance and the Public Works Director as the City personnel who shall administer the operational aspects of the Public Tree Care Ordinance, including for example, responsibility for tasks such as the care, planting, pruning, and maintenance of trees located on City property and in City parks and right-of-ways; and

WHEREAS, the City Council has determined that it is appropriate for the Sanger Parks Board to serve as the "Public Tree Advisory Board," and that the function of Sanger Parks Board, while acting as the "Public Tree Advisory Board, shall be to assist the City Manager, as necessary, with monitoring the application, enforcement and effectiveness of the Public Tree Care Ordinance for public trees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS:

SECTION 1. That Chapter 1, Article 1.400, Section 1.410 of the Code of Ordinances of the City of Sanger, Texas, is hereby amended to read as follows:

Sec. 1.410 Public Tree Care Ordinance.

There is hereby created and established a Public Tree Care Ordinance to provide the City with legal authority over the care of all trees, plants and shrubs located within City owned and controlled property, public rights-of-ways, parks and other public places, which will aid in the establishment of a municipal landscape program and will enhance the public health, safety and beauty of the City.

Sec. 1.411 The City Manager shall have oversight authority and responsibility for the implementation of the Public Tree Care Ordinance.

Sec. 1412 Care of Public Trees and Private Trees Creating Hazard to Public Safety, Health and Welfare.

- A. The Public Works Director shall administer the operational aspects of the Public Tree Care Ordinance, including for example, responsibility for tasks such as planting, pruning, maintaining and removing trees, plants and shrubs within the public right-of-way of all City streets, alleys, avenues, lanes, squares, parks, and public grounds owned or controlled by the City, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such City owned or controlled public grounds.
- B. The Public Works Director, in compliance with the City Council's approved policy, process and procedures for such work, including obtaining permission and a release to access and perform work from the owner of property upon which hazardous trees are located, may remove or prune a tree on private property which threatens the safety, health and welfare of members of the public who may use a City street, sidewalk, park or public right-of-way. Additionally, in accord with the City Council's approved policy, process and procedures for such work, the Public Works Director shall have the right to prune or remove a tree or shrub that obstructs the view of any traffic sign, street light, or security light, when it is determined that the tree or shrub in its existing condition creates a safety hazard for those that may use the City's streets or right-of ways.
- C. No person shall remove, prune, destroy, or cause the removal, pruning or destruction of a tree, shrub or plant located on City property, including those located in any City park, without first having obtained written permission for such removal, pruning or destruction from the Public Works Director or his/her designee.
- D. It shall be unlawful for any individual, organization or entity to attach any cable, wire, rope sign or any other object to any tree, plant or shrub located on City property, including those in City parks, without written permission from the Public Works Director, or his/her designee.

Sec. 1413 Establishment of a Public Tree Advisory Board.

- A. Membership: The Public Tree Advisory Board shall be composed of the then seated members of the Sanger Parks Board. Additional duties of Parks Board members, pertaining specifically to the Public Tree Care Ordinance, include the following.
- B. Duties:
 - 1. Promote the protection of healthy trees on public property.
 - 2. Coordinate and promote 'Arbor Day' activities.
 - 3. Develop public awareness and education programs relating to trees in the Sanger community.
 - 4. Review City department and public concerns relating to tree care on the City's public property.
 - 5. Consult with the Texas Forest Service for advice on protection of existing native or established trees and/or the planting of new 'native' trees.

6. Submit an annual application to renew the "Tree City USA" designation, with the permission of the City Council, and
7. Other duties that may be assigned by the City Council.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. Any person, firm, or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.109 of this Code.

SECTION 5. This ordinance will take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED THIS 2nd DAY OF MARCH 2015 by the City Council of the City of Sanger, Texas.

APPROVED:

Thomas E. Muir

Thomas Muir, Mayor

ATTEST:

Tami Taber

Tami Taber, City Secretary

